



Express Mail No. EV452776569US

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application of: Bourne et al.

Confirmation No.: 5495

Serial No.: 10/772,571

Art Unit: 3728

Filed: February 5, 2004

Examiner: Bui, Luan Kim

For: PACKAGING FOR  
IMPARTING ANTI-  
MICROBIAL PROPERTIES  
TO A MEDICAL DEVICE

Attorney Docket No: 10177-176-999

**RESPONSE TO RESTRICTION REQUIREMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Office Action mailed May 8, 2006, Applicants provisionally elect Invention Group A, Species Group I, Subspecies Group 1 — as depicted in Figs. 1-2B — for prosecution in this application. Applicants reserve the right to file divisional applications to protect all other Invention, Species, and Subspecies groups. Applicants provisionally elect Species Group I and Subspecies Group 1 with the understanding that the claims shall be restricted to this species and subspecies only if no claim that is generic to Species Groups I-IV or Subspecies Groups 1-2 is finally held to be allowable. Applicants believe that pending claims 1-13 are readable on the elected Species and Subspecies.

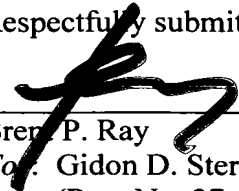
Applicants respectfully traverse the subspecies restriction to the extent that Applicants' provisionally-elected Subspecies Group 1 is directed to a partitioned container, while Subspecies Group 2 (Figs. 3A and 3B) is also directed to a partitioned container. Thus, because Applicants believe that the classifications of the inventions in Subspecies Groups 1 and 2 are the same, and the field of search will be the same, Applicants believe that dividing among these figures is improper. *See* MPEP § 808.02. As such, Applicants believe that Subspecies Groups 1 and 2 should both be prosecuted in the present application.

A listing of the provisionally-elected claims is presented in Appendix A,  
attached.

A one-month extension fee in the amount of \$120 is believed due for this  
submission. Please charge this fee, and any additional fee(s) that may be due, to Jones Day  
Deposit Account No. 501013.

Date: June 30, 2006

Respectfully submitted,

  
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For: Gidon D. Stern  
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54,390  
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